

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

BERT ANTHONY KETCHERSID,

Plaintiff,

v.

CIVIL ACTION NO. 2:06-cv-00971

MICHAEL J. ASTRUE  
Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

In this action, plaintiff seeks review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits and supplemental security income. The case is presently pending before this court on plaintiff's Motion for Summary Judgment [Docket 12] and the Commissioner's Brief in Support of Judgment on the Pleadings [Docket 13].

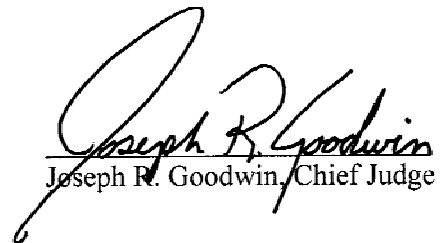
This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 25, 2008, the Magistrate Judge submitted her *Proposed Findings and Recommendation* wherein she recommended that the court deny the plaintiff's motion, grant the defendant judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this action from the court's docket.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DENIES** the plaintiff's motion, **GRANTS** the Commissioner judgment on the pleadings, **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the court's docket.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: March 18, 2008



Joseph R. Goodwin, Chief Judge